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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/900,912

07/10/2001

Michael Traynor

NEL-010

7135

23353

7590

12/13/2004

EXAMINER

RADER FISHMAN & GRAUER PLLC

AZAD, ABUL K

LION BUILDING

1233 20TH STREET N.W., SUITE 501

WASHINGTON, DC 20036

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,912

Applicant(s)

TRAYNOR, MICHAEL

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/28/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-14 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Handelman (US 6,654,721).

As per claim 1, Handelman teaches, “a speech activated appliance system comprising”:

“a callers network for enabling a caller to initiate an instructing telephone call”

(Fig. 2, to/from a telephone network and element 24 “from remote control);

“a speech activated control network for recognizing and authenticating the voice of the caller and processing the caller's instructions directed to a specific remote appliance” (element 54 “speech recognition unit” and col. 13, lines 51-65);

“an administrative network for interfacing with a manufacturer of the remote appliance” (Fig. 2, element 72 “CATV receiver and tuner”); and

“an appliance network for facilitating the remote appliance to complete a desirable transaction in response to the caller's instructions” (col. 14, lines 8-13).

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As per claim 2, Handelsman teaches, "wherein the callers network comprises of wired or wireless telephone" (col. 14, lines 1-7).

As per claim 3, Handelsman teaches, "wherein the speech activated control network comprises a speech recognition server and a web server, whereby the speech recognition server communicates between the callers network and the web server" (col. 11, lines 29-53); and

"the web server in turn communicates between the administrative network and the appliance network" (col. 11, lines 21-65).

As per claim 5, Handelsman teaches, "wherein said payment gateway is connected to an external electronic payment processing company" (col. 18, lines 48-55).

As per claim 6, Handelsman teaches, "wherein the administrative network operates through an administrative computer" (Fig. 2, element 50).

As per claim 7, Handelsman teaches, "wherein the appliance network comprises of remote wired or wireless appliances responsive to the caller's instructions through computer program means; said remote wired or wireless appliances are identifiable by the caller when issuing voice instructions through an unique label" (col. 14, lines 27-37).

As per claim 8, Handelsman teaches, "wherein manufacturers of the remote wired or wireless appliances are capable of adding or deleting the number of said appliances through computer program means" (Fig. 5B, element 256).

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As per claim 9, Handelman teaches, "wherein said manufacturers of the remote wired or wireless appliance are further capable of changing the billing information and other related variables through computer program means" (col. 18, lines 48-55)..

As per claims 10-12, Handelman teaches, "wherein the computer program means is either software or firmware specifically designed to adapt to said appliances to respond to the caller's instructions" (col. 14, lines 28-48).

As per claim 13, Handelman teaches, "wherein the unique label for the remote appliance is an identification number or an Internet URL address" (col. 14, lines 1-7).

As per claim 14, Handelman teaches, "wherein the caller is required to provide a voice profile and is assigned a personal identification number for security reasons" (col. 13, lines 51-59).

As per claims 17 and 18 they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman (US 6,654,721) as applied to claim 3 above, and further in view of well-known prior art.

As per claim 4, Handelman teaches a pay television, and encryption and decryption (col. 11, lines 20-59). However, Handelman does not explicitly teach, "secure debits are affected against remote appliance transactions requiring credit payments". Official Notice is taken on the well-known "secure debits are affected against remote appliance transactions requiring credit payments". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a secure debits are affected against remote appliance transactions requiring credit payments because one ordinary skill in the art would readily recognize that provides a secure transaction for the pay television to watch the selected program.

As per claims 15 and 16, Handelman does not explicitly teach, transmission control protocol over Internet Protocol. Official Notice is taken on the well-known "Internet Protocol". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Internet Protocol because one ordinary skill in the art would readily recognize that would provide a standard protocol to transmit digital quality picture or information to the appliances.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

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Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

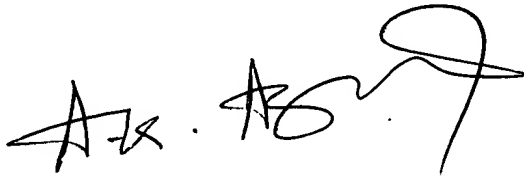
Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Technology Center's Customer Service Office at telephone number
(703) 306-0377.

A handwritten signature in black ink, appearing to read 'Azad', followed by a large, stylized flourish or signature mark.

Abul K. Azad

December 1, 2004